

✓ **Right to Appeal Decision:**

You can appeal the Department's decision to enter a finding on the Caregiver Misconduct Registry by writing to the Department of Administration, Division of Hearings and Appeals (DHA) within 30 days of receiving the decision. DHA will schedule a fair hearing. While the fair hearing decision is pending, no information will be entered on the Caregiver Misconduct Registry or given to the public.

You may have a representative help you with the hearing. Both you and the Department can present facts and witnesses. The hearing examiner reviews all information presented at the fair hearing and makes a final decision.

If the hearing examiner does not agree with the Department's finding, no information will be entered on the Caregiver Misconduct Registry or given to the public. If the hearing examiner agrees with the Department's finding, the decision is then entered on the Caregiver Misconduct Registry.

✓ **Caregiver Misconduct Registry:**

The Wisconsin Caregiver Misconduct Registry is a record of the names of nurse aides and other noncredentialed caregivers with a substantiated finding of caregiver misconduct (abuse or neglect of a client or misappropriation of a client's property).

More information regarding noncredentialed caregivers, including nurse aides, is available at www.promissor.com.

- For a nurse aide (NA): Information will be provided regarding the aide's employment eligibility and whether a finding of misconduct has been placed under the aide's name.
- For any other caregiver (CGE): Due to Wisconsin state regulations, an individual, such as a nurse, social worker, personal care worker, maintenance worker, laundry aide, etc., is identified as a caregiver (CGE) with a finding on the Caregiver Misconduct Registry and may not be employed as a caregiver, as that term is defined in s. 50.065 or 48.685, Wisconsin Stats., in any entity regulated by the Wisconsin DHFS unless approved through the Rehabilitation Review process.

✓ **Work Limitations:**

Under federal regulations, nurse aides with a misconduct finding are permanently barred from working in federally certified nursing homes and, in certain situations, may be barred from working in federally certified intermediate care facilities for persons with mental retardation (ICFs/MR).

State regulations bar all caregivers with a finding of misconduct, including nurse aides, from working in facilities the Department regulates, unless the caregiver is approved under the Rehabilitation Review process.

CONTACT INFORMATION

Questions about the Caregiver Program?

Need to report caregiver misconduct?

Questions about the Rehabilitation Review process?

Need to verify a caregiver's employment eligibility?

Other questions?

Office of Caregiver Quality (OCQ)

Bureau of Quality Assurance
2917 International Lane, Suite 300
Madison, WI 53704
Phone: (608) 243-2019
FAX: (608) 243-2020
Email:
caregiver_intake@dhfs.state.wi.us

Office of Legal Counsel

Phone: (608) 266-8428
E-mail: RehabRC@dhfs.state.wi.us

Wisconsin Nurse Aide Registry

www.promissor.com

Interactive Voice Response (IVR)

Toll-free 1-877-224-0235

See our web site:

<http://dhfs.wisconsin.gov/caregiver/index.htm>



Making a difference.

WISCONSIN'S CAREGIVER PROGRAM

**STATE OF WISCONSIN
Department of Health and Family Services
Division of Supportive Living
Bureau of Quality Assurance**

February 2004

PDE-3141 (Rev. 2-04)

WISCONSIN'S CAREGIVER PROGRAM

This is an overview of the Wisconsin Caregiver Program. Please read this information carefully. Contact phone numbers and addresses are available on the back of this brochure if you need more information.

Please also see the Caregiver Program website at:
<http://dhfs.wisconsin.gov/caregiver/index.htm>

Wisconsin's Caregiver Program responds to concerns about the potential physical, emotional and financial abuse and neglect of vulnerable citizens by caregivers in health care settings. The program applies to all caregivers, including nurse aides, who have access to clients in facilities regulated by the Department. The program provisions include:

✓ Caregiver Background Checks:

If you are a caregiver who has regular, direct contact with clients, your employer must complete caregiver background check on you at the time of hire and every 4 years thereafter. This requirement applies to all employees who provide direct care and may also include housekeeping, maintenance, dietary, administrative and other staff.

A caregiver with a conviction of a serious crime or a history of improper behavior is barred from working in any facility regulated by the Department, unless the person is approved through the Rehabilitation Review process.

✓ Rehabilitation Review:

If you have been convicted of a serious crime or have a finding entered on the Caregiver Misconduct Registry, you may request a Rehabilitation Review to give evidence that you are not likely to repeat the behavior that led to your conviction or finding. An initial application for a Rehabilitation Review may be filed with the Department at any time.

A Rehabilitation Review panel reviews your application and other personal and professional information. You are encouraged to meet with the Rehabilitation Review panel to answer any questions. The panel will issue a decision based on

the evidence of your ability to safely work in state regulated facilities.

✓ Reporting Requirements:

The Caregiver Law requires health care facilities to report incidents of caregiver misconduct and some injuries of unknown source to the Department of Health and Family Services, Bureau of Quality Assurance (BQA). Caregiver misconduct means:

- abuse of a client,
- neglect of a client, or
- misappropriation of a client's property.

Abuse – is an act that contradicts a health care facility's policy and procedures and is intended to cause harm. The harm may be physical, mental or emotional and it may result in pain, injury, or death. Examples of abuse include:

- Physical abuse – hitting, slapping, pinching, kicking;
- Sexual abuse – harassment, inappropriate touching, assault;
- Verbal abuse – threats of harm, saying things to intentionally frighten a client; and
- Mental abuse – humiliation, harassment, intimidation with threats of punishment or depriving care or possessions.

Neglect – is the carelessness, negligence, or disregard of policy or care plan, which causes or could be reasonably expected to cause pain, injury, or death.

The major difference between abuse and neglect is that in a case of abuse the caregiver intends to harm the client; in neglect the caregiver does not intend to harm the client but does purposely act or fail to act.

Misappropriation – is an action such as theft of a client's money, credit cards or jewelry, or misuse of a client's personal property, such as using a client's phone or other personal property without consent.

Injury of unknown source – is an injury that occurs to a client where the source of the injury is not immediately apparent when the injury is discovered.

Your Responsibility

All staff persons having contact with clients must report incidents of possible caregiver misconduct or injuries of unknown source to a person of authority

in their health care facility. It is then the facility's responsibility to decide how to proceed.

Facility Responsibility

The health care facility must investigate to try and determine if caregiver misconduct has occurred. When a health care facility's investigation of an incident results in a possible case of caregiver misconduct, that incident must be reported to the Wisconsin Department of Health and Family Services, Bureau of Quality Assurance (BQA). The health care facility may also report an incident to BQA if, after their internal investigation, they are still not certain that caregiver misconduct did not occur.

Your employer must inform you if they submit a report to BQA naming you as an accused caregiver involved in an allegation of caregiver misconduct.

BQA Responsibility

Once an incident is reported to the Bureau of Quality of Assurance, BQA reviews the report to determine whether to complete a follow-up investigation. BQA will send you a letter to tell you whether or not they will conduct an investigation. If an investigation is needed, the letter will state the complaint, the purpose of the investigation, the results if the complaint is found to be true, and your ability to have a representative present during any meeting with the Department's investigators. No information about the complaint is given to the public during the investigation.

- If the Department's investigation determines that no caregiver misconduct occurred, you will receive written notice of that decision. No information about the report will be entered on the Caregiver Misconduct Registry or given to the public.
- If the Department determines that misconduct did occur, you will receive written notice that the Department intends to enter the finding on the Caregiver Misconduct Registry. You are also informed of the steps to file an appeal if you do not agree with the decision.